

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Filip Woroniecki	Team: Squad #12	CCRB Case #: 201800829	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/29/2018 7:25 PM	Location of Incident: West-bound North Conduit Avenue and Rockaway Boulevard	Precinct: 113	18 Mo. SOL 7/29/2019	EO SOL 7/29/2019	
Date/Time CV Reported Wed, 01/31/2018 12:11 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 01/31/2018 12:11 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Christophe Macaluso	07382	955107	113 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Abdulhadi Chalati	10501	956511	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Christophe Macaluso	Abuse: Police Officer Christopher Macaluso refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On January 31, 2018, § 87(2)(b) filed this complaint with the CCRB via the online website.

On January 29, 2018, at 7:25 p.m., § 87(2)(b) was at the intersection of North Conduit Avenue and Rockaway Boulevard in Queens when his vehicle was pulled over by PO Christopher Macaluso and PO Abdulhadi Chalati of the 113th Precinct for excessively tinted windows. While speaking to the officers, § 87(2)(b) asked PO Macaluso for his name and shield number and PO Macaluso allegedly replied, “You can’t read?” and “Do you want my social security too?” without verbally providing the requested information (**Allegation A: Abuse of Authority – Refusal to provide name and shield number**, § 87(2)(g)). As a result of this incident, § 87(2)(b) received two summonses for tinted windows.

There was no video footage of this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Police Officer Christopher Macaluso refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) stated that as PO Macaluso was leaning on the front passenger side of his vehicle, § 87(2)(b) informed him that he could not see his shield and asked, “Would you mind giving me your name and your number?” PO Macaluso replied, “You can’t read?” and when § 87(2)(b) asked for his “name and shield number” again, PO Macaluso stated, “Do you want my social security too?” § 87(2)(b) answered that it was PO Macaluso’s private information and began writing down his name and shield number, which he obtained visually, inside of his notebook. § 87(2)(b) noted that PO Macaluso asked if § 87(2)(b) was going to file a complaint and informed him that he and his partner were just doing their jobs. § 87(2)(b) explained that even though it was dark outside and PO Macaluso’s shield was partially concealed by his arm, he was able to record what he believed was PO Macaluso’s name and shield number in his notebook. However, due to the above mentioned factors, § 87(2)(b) was unsure whether he obtained PO Macaluso’s correct information (Board Review 01).

PO Macaluso stated that as PO Chalati handed summonses to § 87(2)(b) PO Chalati informed PO Macaluso that § 87(2)(b) wanted to know his name and shield number. PO Macaluso did not hear § 87(2)(b)’s request and only learned about it from PO Chalati. PO Macaluso then observed § 87(2)(b) open the glove compartment and take out a notebook. PO Macaluso verbally stated his name and shield number to § 87(2)(b) and observed him write it down inside of his notebook. It took about five to ten seconds for § 87(2)(b) to note the information and he did not appear to have any trouble writing down PO Macaluso’s name and shield number. § 87(2)(b) never informed PO Macaluso that he was unsatisfied with the way he identified himself and PO Macaluso believed that he communicated his name and shield number in a clear way and that he gave § 87(2)(b) ample time to record it. PO Macaluso did not state, “You can’t read?” and “Do you want my social security too?” to § 87(2)(b). PO Macaluso also denied intentionally concealing his shield and stated that he did not recall leaning on the side of § 87(2)(b)’s vehicle. PO Macaluso elaborated that he sometimes tucks his hands on the inside of his vest and speaks with his hands. However, he did not recall whether this was the case at the time of the incident (Board Review 02).

PO Chalati, who was positioned next to the front driver's window of § 87(2)(b)'s vehicle at the time of the incident, stated that as he handed two summonses to § 87(2)(b), § 87(2)(b) asked him, "Officer, can I get your name and badge number?" PO Chalati replied, "No problem" and § 87(2)(b) asked him if he could get a notebook from his glove compartment to write the information down. PO Chalati agreed and recited his name and shield number to § 87(2)(b) who wrote it down in the notebook. As PO Chalati was about to leave the side of § 87(2)(b)'s vehicle, § 87(2)(b) asked if he could also get PO Macaluso's name and shield number and PO Chalati informed PO Macaluso that § 87(2)(b) wanted to know his information. At the time of this request PO Macaluso stood right against the front passenger door of § 87(2)(b)'s vehicle and his chest was unobstructed. PO Macaluso did not lean on § 87(2)(b)'s vehicle and did not conceal his shield with his arms or elbows. Though PO Chalati could not hear PO Macaluso's conversation with § 87(2)(b) due to traffic noise, he observed PO Macaluso's lips move as § 87(2)(b) noted PO Macaluso's name and shield number in his notebook (Board Review 03).

§ 87(2)(b)'s online complaint noted that he interacted with two officers, one of whom was "PO Macaluso" with shield number "7382" (Board Review 04).

Police officers are required to clearly state their rank, name, shield number and command or otherwise provide this information to anyone who requests it as well as to allow ample time for the person to note this information. NYPD Patrol Guide, Section 203-09 (Board Review 09).

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 05).
- PO Macaluso has been a member of service for four years and has been the subject in one prior CCRB complaint and five allegations, none of which were substantiated § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- As of March 30, 2018, there was no Notice of Claim filed for this complaint (Board Review 08).

Squad No.: 12

Investigator: _____ INV. WORONIECKI 05/04/2018
Signature Print Title & Name Date

Squad Leader: _____ I.M. RIGIE _____
Signature Print Title & Name Date

Reviewer: _____ _____
Signature Print Title & Name Date